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12 *Attorneys for Defendant Samsung Electronics Co.,*  
13 *Ltd.*

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO**

17  
18 IN RE OPTICAL DISK DRIVE ANTITRUST  
LITIGATION

Case No. 3:10-md-2143 RS  
MDL No. 2143

19  
20 This Document Relates To:

21 ALL INDIRECT PURCHASER ACTIONS  
22  
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**DECLARATION OF IAN SIMMONS  
IN SUPPORT OF DEFENDANTS'  
JOINT MOTION FOR SUMMARY  
JUDGMENT**

**DECLARATION OF IAN SIMMONS**

I, Ian Simmons, declare as follows:

1. I am a partner of O'Melveny & Myers LLP, with an office located at 1625 Eye Street NW, 10th Floor, Washington, DC 20006. O'Melveny is counsel for Defendant Samsung Electronics Co., Ltd. ("SEC"). I am a member of the bars of the Commonwealth of Pennsylvania and the District of Columbia. I have personal knowledge of the facts stated herein and, if called to testify, could and would testify completely hereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the transcript of the deposition of the Indirect Purchaser Plaintiffs' ("IPPs") economic expert, Kenneth Flamm, Ph.D., taken on March 24, 2017.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts of the Expert Report of Dr. Luís Cabral, the IPPs' economic expert, dated February 1, 2017.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts of the Expert Report of Kenneth Flamm, Ph.D., the IPPs' economic expert, dated February 1, 2017.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Updated Expert Report of Edward A. Snyder, Ph.D., Defendants' economic expert, dated April 21, 2017, submitted in Dell Inc. and Dell Products L.P.'s. direct action case, No. 3:13-cv-03350 RS.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Expert Report of Kevin M. Murphy, Defendants' economic expert, dated April 3, 2017.

7. Attached hereto as **Exhibit 6** is a true and correct copy of the Updated Expert Report of Edward A. Snyder, Ph.D., Defendants' economic expert, dated April 21, 2017.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the Declaration of Dr. Michelle M. Burtis in Support of Defendants' Opposition to Class Certification, filed under seal on October 21, 2013 (ECF No. 1035).

9. Attached hereto as **Exhibit 8** is a true and correct copy of a December 30, 2014 letter sent from Lester C. Houtz on behalf of HP Inc. to Michelle L. Visser and James Pearl. This letter was introduced as Exhibit 982 at the Deposition of Kevin M. Kilian taken on March 28,

1 2016.

2 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the  
3 transcript of the deposition of Kevin M. Kilian, 30(b)(6) witness for HP Inc., taken on March 28,  
4 2017.

5 11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the  
6 transcript of the deposition of Russell A. Hudson, 30(b)(6) witness for HP Inc., taken on March  
7 22, 2016.

8 12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the  
9 transcript of the deposition of Laura Tardiff taken on January 25, 2017.

10 13. Attached hereto as **Exhibit 12** is a true and correct copy of Plaintiffs Dell Inc.'s  
11 and Dell Products L.P.'s First Supplemental Responses to Defendant Samsung Electronics Co.,  
12 Ltd.'s First Set of Interrogatories. These discovery responses were verified by Alan Richey of  
13 Dell Inc. on December 11, 2015 and were served in this litigation on December 11, 2015.

14 14. Attached hereto as **Exhibit 13** is a true and correct copy of [REDACTED]  
15 [REDACTED]  
16 [REDACTED]  
17 [REDACTED]  
18 [REDACTED]

19 15. Attached hereto as **Exhibit 14** is a true and correct copy of the document Bates  
20 labeled DELL-ODD-00189184 produced by Dell in this litigation and introduced by Defendants  
21 as Exhibit 1056 during the May 12, 2016 deposition of Alex Wu. *See* A. Wu Dep. Tr. 92:13-  
22 94:11.

23 16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the  
24 transcript of the deposition of Alex Wu taken on May 12, 2016.

25 17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts of the  
26 document Bates labeled DELL-ODD-00085248 produced by Dell in this litigation and introduced  
27 by Defendants as Exhibit 1055 during the May 12, 2016 deposition of Alex Wu. *See* A. Wu Dep.  
28

1 Tr. 44:25-48:18.

2 18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the  
3 transcript of the deposition of Alex Oon taken on June 2, 2016.

4 19. Attached hereto as **Exhibit 18** is a true and correct copy of Plaintiffs Dell Inc. and  
5 Dell Products L.P.'s First Supplemental Responses to Defendants Samsung Electronics Co., Ltd.  
6 and Samsung Electronics America, Inc.'s Second Set of Interrogatories. These discovery  
7 responses were verified by Alan Richey of Dell Inc. on June 30, 2016 and were served in this  
8 litigation on July 1, 2016.

9 20. Attached hereto as **Exhibit 19** is a true and correct copy of a May 31, 2015 letter  
10 sent from Andrew J. Tuck on behalf of Dell to my colleague, Stephen J. McIntyre. Mr. McIntyre  
11 received this letter via email on May 31, 2015.

12 21. Attached hereto as **Exhibit 20** is a true and correct copy of the [Corrected] Expert  
13 Report of Dr. Andres V. Lerner, Defendants' economic expert, dated April 3, 2017.

14 22. Attached hereto as **Exhibit 21** is a true and correct copy of the Declaration of  
15 Shane Gregorczyk as corporate representative of Dell, filed under seal on October 21, 2013 (ECF  
16 No. 1027-2).

17 23. Attached hereto as **Exhibit 22** is a true and correct copy of the Declaration of  
18 Bruce Greenwood as corporate representative of Hewlett-Packard Company, filed under seal on  
19 October 21, 2013 (ECF No. 1027-3).

20 24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the  
21 transcript of the deposition of Tony Arif, 30(b)(6) witness for Newegg, Inc., taken on October 9,  
22 2013.

23 25. Attached hereto as **Exhibit 24** is a true and correct copy of the Declaration of  
24 Tanya Manwiller as corporate representative of Walmart Stores, Inc., filed under seal on October  
25 21, 2013 (ECF No. 1026-10).

26 26. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the  
27 transcript of the deposition of George Hussain Ali, 30(b)(6) witness for TigerDirect, Inc., taken  
28

1 on October 9, 2013.

2 27. Attached hereto as **Exhibit 26** is a true and correct copy of the Declaration of Raj  
3 Seth as corporate representative of Fry's Electronics, Inc., filed under seal on October 21, 2013  
4 (ECF No. 1026-4).

5 28. Attached hereto as **Exhibit 27** is a true and correct copy of the Declaration of  
6 Brian Clark as corporate representative of ASI Computer Technologies, Inc., filed under seal on  
7 October 21, 2013 (ECF No. 1026-1).

8 29. Attached hereto as **Exhibit 28** is a true and correct copy of the Declaration of  
9 Christie Rugh as corporate representative of Sears, Roebuck & Co., filed under seal on October  
10 21, 2013 (ECF No. 1026-8).

11 30. Attached hereto as **Exhibit 29** is a true and correct copy of excerpts from the  
12 revised transcript of the deposition of Jason Bonfig, 30(b)(6) witness for Best Buy, taken on  
13 September 13, 2013.

14 31. Attached hereto as **Exhibit 30** is a true and correct copy of excerpts from the  
15 transcript of the deposition of Billy Reynolds taken on November 10-11, 2015.

16 32. Attached hereto as **Exhibit 31** is a true and correct copy of excerpts from the  
17 transcript of the deposition of Bong-Seok (Bryan) Park taken on December 10, 2016.

18 33. Attached hereto as **Exhibit 32** is a true and correct copy of excerpts from the  
19 transcript of the deposition of Jae-Hun (Kenny) Lee taken on January 18-22, 2016.

20 34. Attached hereto as **Exhibit 33** is a true and correct copy of excerpts from the  
21 transcript of the deposition of Jin Sung (Luke) Choi taken on November 2-6, 2015.

22 35. Attached hereto as **Exhibit 34** is a true and correct copy of excerpts from the  
23 transcript of the deposition of Dae-Sung (David) Kim taken on June 6-8, 2016.

24 36. Attached hereto as **Exhibit 35** is a true and correct copy of excerpts from the  
25 transcript of the deposition of Michael Chang taken on October 9-10, 2016.

26 37. Attached hereto as **Exhibit 36** is a true and correct copy of excerpts from the  
27 transcript of the deposition of Hyun Soo (Jason) Kim taken on October 12-16, 2015.

28

1           38. Attached hereto as **Exhibit 37** is a true and correct copy of excerpts from the  
2 transcript of the deposition of Charlie Tseng taken on August 25-26, 2016.

3           39. Attached hereto as **Exhibit 38** is a true and correct copy of excerpts from the  
4 transcript of the deposition of Woo Jin (Eugene) Yang taken on July 21-24, 2013.

5           40. Attached hereto as **Exhibit 39** is a true and correct copy of excerpts from the  
6 transcript of the deposition of Leland Key taken on July 20, 2016.

7           41. Attached hereto as **Exhibit 40** is a true and correct copy of excerpts from the  
8 transcript of the deposition of Sun Kyun (Eskey) Kim taken on October 26-28, 2015.

9           42. Attached hereto as **Exhibit 41** is a true and correct copy of excerpts from the  
10 transcript of the deposition of Jenn Chiang (J.C.) Lim taken on July 31-August 2, 2013.

11           43. Attached hereto as **Exhibit 42** is a true and correct copy of excerpts from the  
12 transcript of the deposition of Steve Van Vorst taken on October 14, 2016.

13           44. Attached hereto as **Exhibit 43** is a true and correct copy of excerpts from the  
14 transcript of the deposition of Yew Kwong (Fred) Wong taken on January 13-14, 2016.

15           45. Attached hereto as **Exhibit 44** is a true and correct copy of excerpts from the  
16 transcript of the deposition of Shi Yang (Shannon) Yu taken on October 24, 2016.

17           46. Attached hereto as **Exhibit 45** is a true and correct copy of excerpts from the  
18 transcript of the deposition of Junsuke (James) Mikami taken on January 3, 2017.

19           47. Attached hereto as **Exhibit 46** is a true and correct copy of excerpts from the  
20 transcript of the deposition of Glenn Brower taken on November 9, 2016.

21           48. Attached hereto as **Exhibit 47** is a true and correct copy of excerpts from the  
22 transcript of the deposition of Sik (Daniel) Hur taken on November 16-20, 2015.

23           49. Attached hereto as **Exhibit 48** is a true and correct copy of excerpts from the  
24 transcript of the deposition of Duha Hwang taken on August 4, 2016.

25           50. Attached hereto as **Exhibit 49** is a true and correct copy of excerpts from the  
26 transcript of the deposition of Yow Tsong (Jerry) Hsieh taken on December 2-4, 2015.

27           51. Attached hereto as **Exhibit 50** is a true and correct copy of the document Bates  
28

1 labeled ODDCIV-003426691 produced by Philips & LiteOn Digital Solutions Corp. (“PLDS”) in  
2 this litigation.

3 52. Attached hereto as **Exhibit 51** is a true and correct copy of the document Bates  
4 labeled ODDCIV-003418738 produced by PLDS in this litigation and introduced by Defendants  
5 as Exhibit 812 during the deposition of Yow Tsong (Jerry) Hsieh. *See* Y.T. Hsieh Dep. Tr.  
6 531:7-532:12.

7 53. Attached hereto as **Exhibit 52** is a true and correct copy of the document Bates  
8 labeled ODDCIV-003851271 produced by PLDS in this litigation and introduced by Defendants  
9 as Exhibit 806 during the deposition of Yow Tsong (Jerry) Hsieh. *See* Y.T. Hsieh Dep. Tr.  
10 470:15-471:3.

11 54. Attached hereto as **Exhibit 53** is a true and correct copy of the document Bates  
12 labeled ODDCIV-000089261 produced by PLDS in this litigation and introduced by Defendants  
13 as Exhibit 801 during the deposition of Yow Tsong (Jerry) Hsieh. *See* Y.T. Hsieh Dep. Tr.  
14 458:19-459:8.

15 55. Attached hereto as **Exhibit 54** are true and correct copies of (1) the document  
16 Bates labeled HLDS\_CIV0000100 produced by Hitachi-LG Data Storage, Inc. (“HLDS”) in this  
17 litigation and (2) a certified English language translation of that document introduced by  
18 Defendants as Exhibits 546 and 546A during the deposition of Hyun Soo (Jason) Kim. *See* H.S.  
19 Kim Dep. Tr. 639:3-640:8.

20 56. Attached hereto as **Exhibit 55** are true and correct copies of (1) the document  
21 Bates labeled TSSTK-0065325 produced by Toshiba Samsung Storage Technology Corporation  
22 Korea (“TSSTK”) in this litigation and (2) a certified English language translation of that  
23 document introduced by Defendants as Exhibits 884 and 884A during the deposition of Jae-Hun  
24 (Kenny) Lee. *See* J.H. Lee Dep. Tr. 532:17-533:16.

25 57. Attached hereto as **Exhibit 56** is a true and correct copy of the document Bates  
26 labeled DELL-ODD-00039050 produced by Dell and introduced by Defendants as Exhibit 1448  
27 during the deposition of Jay Pettersson. *See* J. Pettersson Dep. Tr. 79:5-81:7.  
28

1           58. Attached hereto as **Exhibit 57** is a true and correct copy of excerpts from the  
2 transcript of the deposition of the IPPs' economic expert, Luís Cabral, Ph.D., taken on March 21,  
3 2017.

4           59. Attached hereto as **Exhibit 58** is a true and correct copy of HLDS's Plea  
5 Agreement, *United States v. Hitachi-LG Data Storage, Inc.*, No. CR 11-00724-RS (N.D. Cal.  
6 Nov. 8, 2011)

7           60. Attached hereto as **Exhibit 59** is a true and correct copy of Defendants PLDS and  
8 Philips & Lite-On Digital Solutions U.S.A., Inc.'s Second Supplemental Response to Indirect  
9 Purchaser Plaintiffs' First Set of Interrogatories, Nos. 4, 5 and 13. These discovery responses  
10 were served in this litigation on December 31, 2012.

11           61. Attached hereto as **Exhibit 60** is a true and correct copy of Defendants PLDS and  
12 Philips & Lite-On Digital Solutions U.S.A., Inc.'s Response to Panasonic Corporation and  
13 Panasonic Corporation of North America's First Set of Requests for Admissions. These  
14 discovery responses were served in this litigation on September 12, 2012.

15           62. Attached hereto as **Exhibit 61** is a true and correct copy of Defendants HLDS and  
16 Hitachi-LG Data Storage Korea, Inc.'s Second Amended Objections and Responses to Direct  
17 Action Plaintiffs' Notice of Deposition Pursuant to Federal Rule of Civil Procedure 30(b)(6),  
18 dated February 26, 2016.

19           63. Attached hereto as **Exhibit 62** is a true and correct copy of excerpts from the  
20 transcript of the deposition of Hwan (John) Suh taken on September 14, 2016.

21           64. Attached hereto as **Exhibit 63** is a true and correct copy of excerpts from the  
22 transcript of the deposition of Mun Piao (M.P.) Cheong taken on November 22, 2016.

23           65. Attached hereto as **Exhibit 64** is a true and correct copy of excerpts from the  
24 transcript of the deposition of Makoto Naito taken on November 8, 2016.

25           66. Attached hereto as **Exhibit 65** is a true and correct copy of excerpts from the  
26 transcript of the deposition of Satoshi Nitta taken on October 4, 2016.

27           67. Attached hereto as **Exhibit 66** is a true and correct copy of excerpts from the  
28



1 transcript of the deposition of Hiroshi Suzuki taken on January 9-10, 2017.

2 68. Attached hereto as **Exhibit 67** is a true and correct copy of excerpts from the  
3 transcript of the deposition of Alpha Tsai taken on April 4-5, 2016.

4 69. Attached hereto as **Exhibit 68** is a true and correct copy of Defendant Toshiba  
5 Corporation's Amended Responses and Objections to Interrogatory Nos. 4 and 5 of Indirect  
6 Purchaser Plaintiffs' First Set of Interrogatories to Defendants. These discovery responses were  
7 served in this litigation on December 9, 2016.

8 70. Attached hereto as **Exhibit 69** is a true and correct copy of First Amended and  
9 Supplemental Objections and Responses of Defendant Panasonic Corporation of North America  
10 to Indirect Purchaser Plaintiffs' First Set of Interrogatories (Nos. 4 and 5). These discovery  
11 responses were served in this litigation on January 31, 2013.

12 71. Attached hereto as **Exhibit 70** is a true and correct copy of Defendants TEAC  
13 Corporation and TEAC America, Inc.'s Supplemental and Amended Responses to Interrogatories  
14 4 and 5 of Indirect Purchaser Plaintiffs' First Set of Interrogatories. These discovery responses  
15 were verified by Derek Davis on December 9, 2016 and served in this litigation on December 9,  
16 2016.

17 72. Attached hereto as **Exhibit 71** is a true and correct copy of First Amended and  
18 Supplemental Objections and Responses of Defendant Panasonic Corporation to Indirect  
19 Purchaser Plaintiffs' First Set of Interrogatories (Nos. 4 and 5). These discovery responses were  
20 served in this litigation on January 31, 2013.

21 73. Attached hereto as **Exhibit 72** is a true and correct copy of Defendant Quanta  
22 Storage Inc.'s Second Amended and Supplemental Objections and Responses to Indirect  
23 Purchaser Plaintiffs' First Set of Interrogatories. These discovery responses were served in this  
24 litigation on January 31, 2013.

25 74. Attached hereto as **Exhibit 73** is a true and correct copy of Defendant Samsung  
26 Electronics Co., Ltd.'s Amended Objections and Responses to Interrogatory Numbers Four and  
27 Five of Indirect Purchaser Plaintiffs' First Set of Interrogatories. These discovery responses were  
28

1 verified by Sang-Hoon Park on December 9, 2016 and served in this litigation on December 9,  
2 2016.

3 75. Attached hereto as **Exhibit 74** is a true and correct copy of excerpts from the  
4 Expert Report of Leslie M. Marx, Ph.D., Dell's economic expert, dated February 1, 2017.

5 76. Attached hereto as **Exhibit 75** is a true and correct copy of excerpts from Plaintiff  
6 HP Inc.'s Eighth Supplemental Objections and Responses to Defendant Panasonic Corporation's  
7 First Set of Interrogatories. These discovery responses were verified by Russell A. Hudson of HP  
8 Inc. on January 11, 2017 and served in this litigation on January 13, 2017.

9 77. Attached hereto as **Exhibit 76** is a true and correct copy of excerpts from Luis  
10 M.B. Cabral, *Introduction to Industrial Organization* (1st ed. 2000).

11 78. Attached hereto as **Exhibit 77** is a true and correct copy of excerpts from Matthew  
12 Bennett & Phillips Collins, *The Law and Economics of Information Sharing: The Good, the Bad*  
13 *and the Ugly*, 6 Eur. Comp. J. 311, 318 (2010).

14 79. Attached hereto as **Exhibit 78** are true and correct copies of (1) the document  
15 Bates labeled HLDS\_CIV0019846 produced by HLDS in this litigation and (2) a certified English  
16 language translation of that document introduced by Defendants as Exhibits 690 and 690A during  
17 the deposition of Sik (Daniel) Hur. *See* S. Hur Dep. Tr. 209:19-210:9.

18 80. Attached hereto as **Exhibit 79** are true and correct copies of (1) the document  
19 Bates labeled HLDS\_CIV0001718 produced by HLDS in this litigation and (2) a certified English  
20 language translation of that document. Dr. Kenneth Flamm listed this document in his Materials  
21 Relied Upon in his expert report dated February 1, 2017.

22 81. Attached hereto as **Exhibit 80** is a true and correct copy of the Indirect Purchaser  
23 Plaintiffs' Objections and Responses to Defendant Samsung Electronics Co. Ltd.'s Second Set of  
24 Interrogatories, and Attachments A & B thereto. These discovery responses were served in this  
25 litigation on November 21, 2016.

26 82. Attached hereto as **Exhibit 81** are true and correct copies of (1) the document  
27 Bates labeled SEC-ODD000842372 produced by SEC in this litigation and (2) a certified English  
28

1 language translation of that document introduced by the IPPs as Exhibits 1577 and 1577A during  
 2 the deposition of Min Ho (Adam) Jo taken on December 7, 2016. *See* M.H. Jo Dep. Tr. 57:5-  
 3 58:1.

4 83. Attached hereto as **Exhibit 82** is a true and correct copy of Defendants TEAC  
 5 Corporation and TEAC America, Inc.'s Supplemental and Amended Responses to Indirect  
 6 Purchaser Plaintiffs' First Set of Interrogatories to Defendants. These discovery responses were  
 7 served in this litigation on August 13, 2012.

8 84. Attached hereto as **Exhibit 83** is a true and correct copy of excerpts from the  
 9 transcript of the deposition of Derek Davis taken on December 6, 2016.

10 85. Attached hereto as **Exhibit 84** is a true and correct copy of excerpts from the  
 11 transcript of the deposition of Bill Bundlie taken on November 16, 2016.

12 86. Attached hereto as **Exhibit 85** is a true and correct copy of excerpts from the  
 13 transcript of the deposition of Jay Pettersson taken on November 3, 2016.

14 87. Attached hereto as **Exhibit 86** is a true and correct copy of excerpts from the  
 15 Rebuttal Report of Dr. Luís Cabral, dated May 12, 2017.

16 88. Attached hereto as **Exhibit 87** are true and correct copies of the document Bates  
 17 labeled T-ODD-00044552 produced by Toshiba Corporation in this litigation. Dr. Luís Cabral  
 18 discusses this document in his rebuttal expert report at ¶ 86.

19 89. Attached hereto as **Exhibit 88** is a true and correct copy of the document Bates  
 20 labeled HLDS\_CIV1893553 produced by HLDS in this litigation and introduced by the IPPs as  
 21 Exhibit 1552 during the deposition of Yasuki Hiraoka taken on December 3, 2016. *See* Y.  
 22 Hiraoka Dep. Tr. 37:21-38:3.

23 90. Attached hereto as **Exhibit 89** are true and correct copies of (1) the document  
 24 Bates labeled Q000419089 produced by Quanta Storage Inc. in this litigation and (2) a certified  
 25 English language translation of that document introduced by the IPPs as Exhibits 440 and 440A  
 26 during the deposition of Ya-Ping Huang taken on November 21, 2013. *See* Y.P. Huang Dep. Tr.  
 27 110:3-25.  
 28

1           91. Attached hereto as **Exhibit 90** are true and correct copies of (1) the document  
2 Bates labeled HLDS\_CIV0030627 produced by HLDS in this litigation and (2) a certified English  
3 language translation of that document introduced by the IPPs as Exhibits 576 and 576A during  
4 the deposition of Jin Sung (Luke) Choi. *See* J.S. Choi Dep. Tr. 90:20-91:15.

5           92. Attached hereto as **Exhibit 91** is a true and correct copy of an excerpt of Phillip E.  
6 Areeda & Herbert Hovenkamp, *Antitrust Law* ¶ 309c2 (rev. ed. 2017).

7           93. Attached hereto as **Exhibit 92** is a true and correct copy of excerpts of the Expert  
8 Reply Report of Kenneth Flamm, Ph.D., dated May 12, 2017.

9           94. Attached hereto as **Exhibit 93** is a true and correct copy of columns A, H, I, U,  
10 and AB for Rows 2-8, 214-221, 4649-4651, 4743-4750, and 12344-12351 of the spreadsheet  
11 Bates labeled DELL-ODD-00289955 produced by Dell in this litigation.

12           95. Attached hereto as **Exhibit 94** is a true and correct copy of excerpts of Plaintiffs  
13 Dell Inc. and Dell Products L.P.'s Second Supplemental Responses to Defendants Samsung  
14 Electronics Co., Ltd. and Samsung Electronics America, Inc.'s Second Set of Interrogatories.  
15 These discovery responses were verified by Alan Richey of Dell Inc. on December 13, 2016 and  
16 were served in this litigation on December 9, 2016.

17           96. Attached hereto as **Exhibit 95** is a true and correct copy of Response to the  
18 Commission's Request for Information 30 September 2009. This document was produced by  
19 Dell in this litigation and Bates labeled DELL\_3rd\_000000012.

20           97. Attached hereto as **Exhibit 96** is a true and correct copy of the Declaration of Eric  
21 Bremer as corporate representative of Dell, filed under seal on February 18, 2014 (ECF No. 1127-  
22 1).

23           98. Attached hereto as **Exhibit 97** is a true and correct copy of the document Bates  
24 labeled DELL-ODD-00142851 produced by Dell in this litigation.

25           99. Attached hereto as **Exhibit 98** is a true and correct copy of the document Bates  
26 labeled DELL-ODD-00190956 produced by Dell in this litigation.

27           100. Attached hereto as **Exhibit 99** is a true and correct copy of the document Bates  
28

1 labeled DELL-ODD-00116644 produced by Dell in this litigation.

2 101. Attached hereto as **Exhibit 100** is a true and correct copy of the document Bates  
3 labeled DELL-ODD-00247222 produced by Dell in this litigation.

4 102. Attached hereto as **Appendix A** is a table comparing the location of ODD  
5 purchases by Dell and the location of ODD purchases by HP Inc., f/k/a Hewlett-Packard Co.  
6 (“HP”), which my firm created based on expert reports submitted with Defendants’ Motions for  
7 Summary Judgment.

8 103. Attached hereto as **Appendix B** is a table comparing ODD purchases by Dell’s  
9 foreign subsidiaries with ODD purchases by HP’s foreign subsidiaries, which my firm created  
10 based on discovery responses by Dell and HP submitted with Defendants’ Motions for Summary  
11 Judgment.

12 104. Attached hereto as **Appendix C** is a table comparing the locations of Dell’s supply  
13 logistics centers and manufacturing entities and the locations of HP’s hubs and manufacturing  
14 entities, which my firm created based on discovery responses, documents produced in this case,  
15 and deposition testimony submitted with Defendants’ Motions for Summary Judgment.

16 105. Attached hereto as **Appendix D** is a table comparing the purchasing process by  
17 Dell’s regional subsidiaries and the purchasing process by HP’s regional subsidiaries, which my  
18 firm created based on discovery responses, documents produced in this case, and deposition  
19 testimony submitted with Defendants’ Motions for Summary Judgment.

20 106. Attached hereto as **Appendix E** is a table comparing Dell’s control over computer  
21 shipments and HP’s control over computer shipments, which my firm created based on deposition  
22 testimony submitted with Defendants’ Motions for Summary Judgment.

23 107. Attached hereto as **Appendix F** is a table comparing Dell’s ODD procurement  
24 team and HP’s ODD procurement team, which my firm created based on discovery responses,  
25 documents produced in this case, and deposition testimony submitted with Defendants’ Motions  
26 for Summary Judgment.

27 108. Attached hereto as **Appendix G** is a table related to Dell’s ODD procurement  
28

1 team's move to Singapore, which my firm created based on documents produced in this case and  
2 deposition testimony submitted with Defendants' Motions for Summary Judgment.

3  
4 Dated: June 30, 2017

\_\_\_\_\_  
/s/ Ian Simmons  
Ian Simmons